UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MALISSA MOORE o/b/o	)	
S.M.,	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 4:09 CV 1645 RWS
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

This matter is before me on a Report and Recommendation that the decision of the

Commissioner be reversed and remanded to the Commissioner for the award of Supplemental

Security Income benefits pursuant to sentence four of 42 U.S.C. § 405 (g). Neither of the parties

has filed an objection to this recommendation.

This matter was referred to United States Magistrate Judge Lewis M. Blanton for a

Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Blanton issued a Report and

Recommendation on January 20, 2011 that recommended that the decision of the Commissioner

be reversed and remanded to the Commissioner for the award of Supplemental Security Income

benefits pursuant to sentence four of 42 U.S.C. § 405 (g). Judge Blanton found that the

Administrative Law Judge ("ALJ") failed to fully develop the record in this case because there is

no evidence from a physician describing plaintiff's condition immediately following surgery or

near the time of the hearing. Judge Blanton also found that the ALJ's credibility determination

regarding plaintiff's subjective complaints of pain and limitations is not supported by substantial

evidence in the record as a whole.

Any objections to Judge Blanton's Report and Recommendation had to be filed by February 3, 2011. Neither of the parties has filed an objection as of today's date.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge Blanton is **SUSTAINED, ADOPTED AND INCORPORATED** herein. Pursuant to sentence four of 42 U.S.C. § 405 (g), the decision of the Commissioner is **REVERSED** and this case is **REMANDED** to the Commissioner for the award of Supplementary Security Income benefits.

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RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of February, 2011.